

Application No. 10/049,417
Response dated: September 7, 2006
In Reply to Restriction Requirement dated: August 8, 2006

REMARKS

In an Office Action dated August 8, 2006, the Examiner holds that the application contains more than one species which are not so linked as to form a single general inventive concept under PCT Rule 13.1. Applicants are required to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable.

Claims 1-30 are currently pending. Claims 17-27 and 29 are withdrawn leaving Claims 1-16, 28 and 30 for consideration upon the following remarks. Claims 1, 11-14 and 30 are identified as generic claims.

The Examiner contends that the enumerated species do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the groups lack the same or corresponding special technical feature because Species I-III are specific to the number of components that an audio signal format comprises, Species IV is drawn to the angle or geometrical characteristic of the direction of the components, and Species V is drawn to the distribution of the audio format in respect to the listening quality.

Firstly, in reply to the restriction requirement, Applicants provisionally elect Species II, including Claims 1, 3, 11-14 and 30, with traverse. Notwithstanding the present election, Applicants reserve the right to pursue the non-elected claims in a related application(s) without prejudice with respect to the present amendment or otherwise.

Applicants respectfully submit that Species I-V are accepted statutory matter under PCT Rule 13.1 and 13.2. Further, no additional burden is incurred by Examiner to examine Species I-V as they recite the same or corresponding special technical feature(s).

PCT Rule 13.1 defines a requirement of unity of invention such that one invention or a group of inventions is so linked as to form a single general inventive concept. PCT Rule 13.2 recites that for a finding of lack of unity to be proper, there must be a lack of a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features.

Additionally, Applicants respectfully submit that all of the Species I-V, as including Claims 2-10, 15, 16 and 28 relate to an audio signal format relating to different ways of providing sufficient degree of directional resolution to the audio format of (generic) Claim 1 comprising the special technical feature of N uncorrelated, direction-representing components.

In a non-limiting exemplary embodiment, an audio format according to the present invention should have a sufficient number of directions and an appropriate distribution of those

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directions according to the specific purpose and application. Species I-IV as defined by the Examiner merely define variations of suitable numbers and distributions. That is, the subject matter of Species I-IV are clearly related to each other as including audio signals with a particular representation or format of an audio signal as including the special technical feature of N uncorrelated, direction-representing components claimed in Group I (e.g. generic Claim 1), thereby indicating a clearly technical relationship involving the same or corresponding special technical feature, namely, the representation and/or format of the audio signal.

Applicants respectfully request reconsideration and withdrawal of the election/ restriction requirement.

Conclusion

The foregoing is believed to be fully responsive to the outstanding Office Action.

No new matter is added by way of the present Amendment and Remarks as support is found throughout the originally filed specification, claims and drawings.

The Examiner is invited to contact Applicant's attorney at the below-listed phone number regarding this Response or otherwise concerning the present application.

Applicant hereby petitions for any necessary extension of time required under 37 C.F.R. §§1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,
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